

### REMARKS

The Applicant would first like to thank the Examiner for his time and effort in conducting the interview on Sep. 20, 2006. The Applicant greatly appreciates this opportunity to meet with the Examiner and discuss issues relating to the present invention and the cited prior art of record, and the distinctions between the prior art and the innovations taught by the present invention. The Applicant believes this was valuable time spent in advancing the present case.

The Office Action mailed August 8, 2006, considered and rejected claims 1-35.<sup>1</sup>

By this amendment, claim 1 is amended such that claims 1-35 remain pending. Support for the claim amendments may be found generally throughout the Specification. Claim 1 is the only independent claim at issue.

As discussed during the interview, the present invention is generally directed towards an object model and a graphics markup language which will allow developers to consistently interface with a scene graph data structure to produce displayable vector graphics. Claim 1, for example, recites a computer-implemented method for composing vector graphics whereby a function call in a native format including a markup language is received via an API and whereby a display of a scene graph is changed according to modifications made by the parsing and interpretation of the data in the function call and as further more particularly pointed out in the elements of the claim.

Notably, Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoh in view of Walczak and Eleftheriadis.<sup>2</sup> However, for at least the reasons discussed herein and those presented during the interview, Applicant respectfully submits that the claimed invention is neither anticipated by, nor made obvious by, the cited combination of art. In fact, contrary to the embodiments recited in the claims, the cited prior art, Walczak and Eleftheriadis, is directed towards embodiments of extending a previously defined VRML to include database functionality, and for an API for interfacing MPEG-4

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<sup>1</sup> Claim 1 was objected to because of the following informalities: Line 4- the recitation "a markup language data" is not correct. The term 'data' is plural – the correct singular form is 'datum,' unless the intent was for a plurality, wherein the 'a' would be incorrect. Appropriate correction is required. Claims 4-5, 17-19, and 27-29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4, 18, 20, and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoh in view of K. Walczak & W. Cellary, *Building Database Applications of Virtual Reality with X-VRML*, Web3D (2002) ("Walczak"), and Eleftheriadis (U.S. Patent No. 6,092,107).<sup>1</sup> Claims 5, 26-271, and 32-35 were rejected 35 U.S.C. § 103(a) as being unpatentable over Walczak (which teaches VRML) and Eleftheriadis as applied to claim 1, and further in view of Itoh and the SVG standard (which Itoh teaches) and Steele. Claims 6-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walczak and Eleftheriadis as applied to claim 1 above, and further in view of Itoh and SVG. Claims 1, 4-17, 19, 21-27, and 30-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Steele/SVG specification in view of Walczak and Eleftheriadis. Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Itoh is not cited as a reference; see, *supra*, note 1.

audio/visual media objects, respectively. This art fails to teach or suggest any embodiment for composing vector graphics whereby a function call in a native format including a markup language is received via an API and whereby a display of a scene graph is changed according to modifications made by the parsing and interpretation of the data in the function call, as claimed, and as further recited in combination with the other recited claim elements.

Notwithstanding the differences between the claimed invention and the cited art, the claims have nonetheless been amended to add additional clarity to the claimed embodiments. Some of those amendments directly correspond to the Examiner's suggestions that the claims clarify that the recited embodiments are directed towards two-dimensional vector graphics and how the API relates the scent graph." It was initially indicated that such amendments would probably result in the withdrawal of the current grounds of rejection.<sup>3</sup>

In view of the foregoing, claim 1 has been amended, as described above, and as discussed during the interview of Sept. 20, 2006, by incorporating all the suggestions within the Office Communication which, if done, "probably would result in the withdrawal of the current grounds of rejection."<sup>4</sup> Claim 1 has also been amended to further clarify and indicate distinctions over prior art as per the interview discussion. In view of the amendments and the discussion, Claim 1 should now be in condition for allowance. Correspondingly, the Applicant respectfully requests the rejections be withdrawn and claim 1 allowed.

It is also noted that claims 4-5, 17-19, and 27-29 were rejected under 35 U.S.C. § 112 for being indefinite or failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner objected to the terms "visual", "path", and "context" as being indefinite and lacking a clear basis or definition within the specification. It should be noted that each of these terms is defined within the specification. Particularly, "a visual" is a final rendered display.<sup>5</sup> (See fig's 8 & 21.) A "path," as used in the claims, may be found throughout the Specification and curves and complex shapes within visual graphic objects.<sup>6</sup> (See Specification p. 24 l. 26-34.) Finally, "context" is an abstract class enabling visuals to be drawn upon.<sup>7</sup> (See Specification. p. 59 l.13-25.) As the meaning of the terms is clear from the specification, the applicant respectfully requests the rejections for indefiniteness under 35 U.S.C. § 112 be withdrawn.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated,

<sup>3</sup> See Office Communication, Aug. 8, 2006, pp. 2-3.

<sup>4</sup> See Office Communication, Aug. 8, 2006, pp. 2-3.

<sup>5</sup> See, e.g., Specification fig's 8 & 21.

<sup>6</sup> See, e.g., Specification p. 24 l. 26-34.

<sup>7</sup> See, e.g., Specification p. 59 l. 13-25.

however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23<sup>rd</sup> day of October, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", with a stylized, cursive script.

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